



December 7, 2020

James D. Fielder, Jr., PhD
Secretary of Higher Education
Maryland Higher Education Commission
6 N. Liberty St.
Baltimore, MD 21201

Dear Dr. Fielder:

Thank you for the opportunity to respond to Morgan State University's objections to our proposed substantial modifications to the Doctorate in Management program with an area of concentration in Community College Policy and Administration (DMCCPA). We would be available to provide any/all additional information that may be required in support of this response document, and to answer any further questions or concerns that may arise in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Lawrence E. Leak".

Lawrence E. Leak, Ph.D.
Interim President

A handwritten signature in black ink, appearing to read "Blakely R. Pomietto".

Blakely R. Pomietto, MPH
Senior Vice President and Chief Academic Officer

CC: Antoinette Coleman, Associate Vice Chancellor for Academic Affairs, University System of Maryland

University of Maryland Global Campus Response to Morgan State Letter of Objection Regarding
the Proposed Substantial Modifications to the Doctorate in Management Program with an Area of
Concentration in Community College Policy and Administration.

The University of Maryland Global Campus (UMGC) has reviewed the objection letter from Morgan State University (MSU) regarding our recent proposal to Substantially Modify the Doctorate in Management program with an area of concentration in Community College Policy and Administration (DMCCPA). In their letter MSU details several objections to our proposal, and asserts that the substantial modifications constitute unreasonable program duplication that would harm MSU. Respectfully, we disagree with MSU's principal allegation and with each of the specific ancillary objections raised, and will clarify our position respecting each objection below. Prior to discussing the specific objections, there are two fundamental policy issues that we believe must be initially considered and decided in this matter; namely, MSU's extraterritorial claim and the obligation to adhere to academic and accreditation standards of quality.

EXTRATERRITORIALITY OF THE NON-DUPPLICATION PROVISION:

In establishing the DMCCPA in 2009, MHEC restricted the program by prohibiting UMGC from enrolling students who are residents of the State of Maryland, and the DMCCPA was permitted to operate with a focus on meeting the *national* need for doctoral-level community college professionals in institutional and organizational settings. In operating nationally, the DMCCPA is fulfilling UMGC's specific statutory mission (MD EDUC, Sec. 13-101) to "operate as Maryland's open university serving nontraditional students who reside in Maryland, the United States, and throughout the world." The proposal for modification of the curriculum *does not* propose to modify the program focus, nor does it propose to change the geographic restriction on the program. This is a rather unique fact situation for MHEC in that the policy provision that affords MSU an opportunity to object to a program submission to MHEC is limited to programs operating within the state of Maryland.

MSU makes no claim of unreasonable duplication and resultant harm to its program in the state of Maryland. MSU goes so far as to say on p.5 of their revised objection that "the fact that UMGC will not admit students who are residents of Maryland is of no consequence." The sole territorial basis of the MSU claim of unreasonable duplication and harm is at the national level. **As a threshold jurisdictional question, we would argue that MHEC should decline MSU's implicit invitation to establish a new territorial scope to the non-duplication rule.** MSU would have MHEC extend the rule to programs offered purely outside the state of Maryland. Section 11-206(e)'s non-duplication provision and its implementing regulation do *not* grant nationwide authority. See Md. Code, Educ., § 11-206(e)(1) ("Section 11-206(e)"); COMAR § 13B.02.03.09.

The Maryland Court of Appeals has held that "unless an intent to the contrary is *expressly* stated, acts of the legislature will be presumed *not to have any extraterritorial effect*." *Chairman of the Bd. of Trustees of Employees' Retirement Sys. v. Waldron*, 285 Md. 175, 184 (1979) (emphasis added); *Consumer Prot. Div. v. Outdoor World Corp.*, 91 Md. App. 273, 287 (1992) (holding regulatory statutes are "generally construed as not having extra-territorial effect unless a contrary legislative intent is expressly stated"); *State ex rel. Gildar v. Kriss*, 191 Md. 568, 569 (1948) ("Ordinarily a statute is not applicable extraterritorially, but only to acts done within the jurisdiction.....").

Here, the General Assembly certainly did not *expressly* state that Section 11-206(e)'s non-duplication provision was intended to apply on a nationwide basis to programs offered solely outside the State of Maryland. Furthermore, MHEC's implementing regulation on Section 11-206(e) plainly contemplates an *in-state* geographic analysis. MHEC's regulation states: "The issue of how a proposed program meets an institution's **local and State area** needs shall be addressed." COMAR § 13B.02.03.09.A (emphasis added).

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Furthermore, MHEC requests only evidence that the program “is not duplicative of similar offerings *in the State*” and “is not unreasonably duplicative of existing programs in a *specific geographically proximate location in the State.*” COMAR § 13B.02.03.09.B (emphasis added).

In sum, given that: 1) the DMCCPA was previously approved by MHEC to be offered solely outside the state of Maryland; 2) UMGC’s substantial modification proposal makes no change in the offering of the program to Maryland residents; and, 3) MSU makes no claim of duplication or harm within the state of Maryland, MHEC should dismiss MSU’s objection on the basis that MHEC lacks the jurisdictional authority to apply Section 11-206(e)’s non-duplication provision to a purely out-of-state program. Accordingly, MHEC should refuse to accept MSU’s extraterritorial application of Section 11-206(e) and its implementing regulation and continue to focus exclusively on unreasonable duplication of programs offered within Maryland. Lastly, we would ask MHEC to consider the broader policy implications and potential precedent in extending the non-duplication rule nationwide.

STANDARDS OF QUALITY:

The proposed substantial modifications were constituted as a direct result of our commitment to academic integrity, quality, and continuous improvement, as well as our obligations under both the Middle States Commission on Higher Education (MSCHE) and the University System of Maryland’s (USM) standards to conduct periodic program review. Under our obligations via both MSCHE and USM, we are obliged to conduct a periodic external review of existing academic programs as a standard practice in higher education, for the purpose of garnering additional perspectives on program strengths and weaknesses from academics and professionals in the field (or a closely related field), who are affiliated with other institutions and professionally-related organizations. Specifically, the following MSCHE Standards and Criteria inform our efforts and intentions in this matter;

- MSCHE Standard 3, Criteria 8 requires “periodic assessment of the effectiveness of programs providing student learning opportunities”.
- MSCHE Standard 5, Criteria 2 requires “organized and systematic assessments, conducted by faculty and/or appropriate professionals, evaluating the extent of student achievement of institutional and degree/program goals”.
- MSCHE Standard 5, Criteria 3 requires “consideration and use of assessment results for the improvement of educational effectiveness”.

As noted above, UMGC abides by the USM requirement to conduct periodic reviews of academic programs that include both an internal self-study and external review. In addition to the formal periodic program review that occurred in 2019, the program director of the DMCCPA conducted a comprehensive external review of the DMCCPA in concert with twenty-five thought leaders in the community college space. This informal external review yielded findings consistent with the formal review, and further confirmed the national need for the existence of the program, in concert with the need to update the curriculum in a manner consistent with community college innovations occurring over the past decade. One reviewer expressly noted that; “[there is a] paucity of leaders capable of navigating a shifting landscape, who can also incorporate and learn from the last fifteen years of innovation.” In addition, the critical national need for effective community college administrators is deemed so profound that the *Ascendium Education Group* chose to award UMGC a grant of \$825,000.00 specifically to be used to update the DMCCPA curriculum. It is long-standing, common practice for a comprehensive program review to reveal the need for program

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improvements that align with the inevitable changes in the academic and professional landscape associated with a specific academic program, that naturally occur over the years that pass since a program's inception. MSU itself explicitly states on page seven of its objection letter in section four entitled, "Established History", that their own *"curriculum is continually revised to reflect changing emphases and priorities in the community college sector nationally"*.

In formulating our response to MSU's Letter of objection we considered many factors, to include the short and long-term potential consequences for both UMGC and other institutions currently operating within the state of Maryland, and in that light, we feel it is vital to raise the following issues;

Firstly, what would it mean to all institutions of higher learning currently operating within Maryland if MSU's objection is upheld, and an institution is prohibited from updating an approved program curriculum in a manner that is not only appropriate, but also mandated by various regulatory agencies and a fundamental obligation to an institutional mission? If an institution is effectively punished for following the mandates involving program review that are required of them by their regional and independent program-accreditors, could this not have a chilling effect upon an institution's efforts to meet the requirements of those accreditors? In addition, what could it mean in future cases wherein MHEC approves of the creation of an academic program following an initial objection process, but years later, when the program is customarily and appropriately updated, the entire objection process is allowed to begin again, even when the program updates do *not* create a new basis for the program to be deemed unreasonably duplicative.

Secondly, if MSU's objection is upheld and the precedent set wherein mere curriculum updates mandated by required program review are effectively prohibited, does this not place an institution in the inevitable position of;

- (a) being compelled to offer an outdated (or perhaps even a sub-par) educational experience to their students, that could subsequently render an institution potentially vulnerable to a borrower's defense, or other misrepresentation claim for a failure to provide a curriculum that is current and relevant to the associated field of practice, and/or
- (b) compel an institution to discontinue a program *entirely* with severe and material consequences for an institution's program portfolio, student enrollments, current students, student alumni, as well as institutional revenue, reputation, and personnel.

With this being said, and at the most fundamental levels, we feel it is vital to note that UMGC's proposal does *not* seek to either change the degree being offered nor is there a request to admit Maryland residents. UMGC is not proposing *any* program level changes, we are only proposing to update the program curriculum in line with the recommendations provided via the recent periodic academic program review that took place in 2019. The current (or continued) existence of the Doctor of Management in Community College Policy and Administration (DMCCPA) offered by University of Maryland Global Campus (UMGC) should not be at issue. This question was fully deliberated and decided in 2009 by MHEC, which resulted in restrictions placed on UMGC that prohibited the enrollment of Maryland residents in the DMCCPA as an accommodation to MSU's objections at that time. As such, a mere curriculum update, consistent with our MSCHE and USM obligations, should not be employed as an opportunity to relitigate a decided matter.

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UMGC posits that MHEC can make a ruling to set aside the MSU objection based solely on the two preceding jurisdictional and policy issues; namely, extraterritoriality and standards of academic quality. However, in the event that MHEC selects to examine the MSU claims in detail, we also posit that the detailed claims fail to make the case for MSU's claims of unreasonable duplication or harm.

UMGC RESPONSES TO MSU'S SPECIFIC OBJECTIONS:

In their objection letter, MSU offers a detailed list of their grievances in this matter, and below we will list each objection and our specific response to each.

MSU OBJECTION # 1

The proposed modification of the existing Doctor of Management in Community College Policy and Administration (DMCCPA) will now substantially expand the program's focus on the community college by increasing the number of courses that have an explicit focus on issues related to the community college from two (2) to six (6). In Section F of the UMGC proposal, Relevance to the Identity of Historically Black Institutions, UMGC claims that its Doctor of Management program, established in 2009, "successfully co-existed" with Morgan's Ed.D. in Community College Leadership and that the "proposed curriculum revision should have no material bearing on the Morgan State program." Morgan asserts that such "peaceful co-existence" as occurred was due to the fact that the original form of the program did not provide a strong enough focus on the community college to attract students who were seeking career preparation for leadership in the community college sector. The focus of the original program was on policy and administration, rather than on community college leadership. Morgan's program provided the only pathway in the state to career preparation in community college leadership. The proposed modification, with its enhanced focus on community college related courses, represents a significant shift in the focus of the program and is clearly directed at students seeking leadership positions in the community college sector which is the same population served by Morgan's program. The proposed modification thus represents an unreasonable duplication of Morgan's Ed.D. Community College Leadership Program.

UMGC RESPONSE

Firstly, there is no unreasonable duplication of MSU's program given that UMGC does not offer its program to Maryland residents and has not requested to do so in the future. In addition, the MSU argument in this objection is incorrect regarding the nature of the UMGC program and of the intent of the proposal for substantial modification of the DMCCPA program curriculum. There are two arguments from MSU in this objection; expansion of the community college focus of the DMCCPA program, and a change in the nature of the DMCCPA program.

The former argument concerned with the expansion of the program focus on community colleges is predicated on an increase in the number of community college courses from two (2) to six (6). There are two reasons for this change in the number of courses. First, as clearly noted in the UMGC proposal, our decision to change from 6-credit hour courses to 3-credit hour courses, and reducing these courses into more pedagogically compact units is academically appropriate, and accounts for two-thirds of the changes identified. There are two new community college courses included in the proposal that are the result of recommendations from our periodic program review, external review, and extensive conversations with our faculty. The original program design assumed all entering students would have a similar understanding of community colleges; however, in practice, students have entered into the program with very distinct understandings based upon their experience as faculty or administrators. It was determined that for the management and policy curriculum to be effective, the DMCCPA students needed a common foundational understanding of the community college enterprise and the students they serve, and these courses are academically essential for any doctoral program centered in the community college sphere. Thus, two 6-

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credit courses are being divided into four 3-credit courses. The net increase in the DMCCPA is 6-credit hours, increasing from 48 credit hours to 54 credit hours, as a direct response to the external reviewers for our periodic program review who recommended adding this additional course content and credit hours to enhance the program.

MSU's latter argument simply fails to accurately represent the nature of the DMCCPA, in that the DMCCPA has always had a focus on both community colleges and leadership. As UMGC (then UMUC) argued in the original proposal in 2009: "...UMUC's Doctor of Management degree program will contribute to UMUC's mission by providing community college faculty and mid-level administrators throughout the country with the necessary educational background to assume leadership roles of increasing responsibility within community colleges nationwide." In describing the characteristics of the program in 2009, UMUC stated: "The curriculum of the proposed program is designed to provide a broad, practitioner-oriented understanding of the strategic and leadership challenges faced by community college executives."

The distinction between the UMGC program and the MSU program is that UMGC comes to its leadership conclusion through a focus on management and policy, whereas the MSU program is a more traditional Ed.D. track to leadership studies. Both are valid approaches, and they are also distinct approaches. The DMCCPA management and policy approach is being emphasized in our proposal by adding (in addition to the existing management and planning courses), two management centered seminars and three policy focused seminars. The revised DMCCPA maintains its fidelity to a management and policy focus. Hence, the DMCCPA is not an unreasonable duplication of the MSU program, and its distinct nature is precisely why the two programs have successfully coexisted for over a decade. Additionally, there is nothing in the UMGC proposal that changes the nature of the existing program; we are simply seeking to update the curriculum in keeping with standards of sound academic integrity and quality.

MSU OBJECTION # 2

UMGC describes the mission of the DMCCPA as "preparing its students for advancing their careers in community college leadership" The mission of Morgan's Ed.D in Community College Leadership as published on its website makes it clear that both programs have the same mission,"To help fulfill the university's mission, our esteemed faculty prepare students to emerge from the program equipped to handle the unique and diverse leadership challenges associated with leading and teaching in the 21st century community college." Community College Program website. This refutes the argument offered in the UMGC proposal (D. Reasonableness of Program Duplication) that its program is distinct from others in that it is an applied professional doctoral degree rather than a research-oriented one. The mission of the DMCCPA is the same as that of the Morgan Ed.D. in Community College Leadership and thus this program constitutes unreasonable duplication.

UMGC RESPONSE

Firstly, there is no unreasonable duplication of MSU's program given that UMGC does not offer its program to Maryland residents and has not requested to do so in the future. In addition, the mission of the DMCCPA is as it has been since its inception in 2009, which is to develop the capacity of individuals to serve as community college leaders, with a focus on producing equitable outcomes and advancing social mobility for the students and communities that they serve. The proposed substantial modification does not include a change of mission, and to offer an objection respecting an issue that has not been proposed is indeed perplexing. In addition, the assumption of a "shift of focus" is unfounded, in that, as noted above, the DMCCPA has always emphasized that the program was designed to help community college faculty, administrators, and other professionals who were interested in leading and advancing in upper-

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administrative careers in community colleges and the organizations that serve to advance and support the community college mission. This is evident to this day in the language used throughout the program website and in the current course descriptions, viewable here: <https://www.umgc.edu/academic-programs/doctoral-degrees/doctor-of-management-in-community-college-policy-and-administration-dm.cfm>.

In addition, whereas MSU's mission (as denoted in statute MD EDUC, Sec. 14-101) specifically articulates providing higher education opportunities in the Baltimore area, for the citizens of Maryland, and in particular, for the citizens of the Baltimore region, UMGC's mission involves operating as an open institution serving nontraditional students who reside in Maryland, the United States, and throughout the world. Although the two missions do indeed have common qualities, the offering of educational opportunities throughout the United States and abroad is an aspect *distinctly* defined within the UMGC mission. Consequently, maintaining a national focus for the DMCCPA is a direct and highly appropriate reflection of our obligation to the fulfillment of the UMGC mission, and involves a specific national (and international) commitment that is simply not present in the MSU mission.

MSU OBJECTION # 3

The DMCCPA proposal describes its research courses as having an emphasis on real world challenges and situations. This feature of the UMGC program does not make it unique as the proposal claims. The Morgan program explicitly states that its research training is intended to equip students to apply research-generated knowledge to their practice as community college professionals. Indeed, the program is marketed as a "theory to practice program." The research components of the two programs are equivalent in content although the Morgan component contains an Introduction to Research. The changing nature of higher education including the community college sector, demands that in addition to its practical application, professionals be skilled in conducting the research needed to inform policies and practices that are responsive to changes in the field.

UMGC RESPONSE

All doctoral programs, regardless of their area of focus, will inevitably share a great deal of commonality in course content respecting research methods. No doctoral program can make a claim to completeness of its curriculum without the inclusion of coursework in research methods. Although there is a common vocabulary utilized throughout research methods coursework, UMGC has taken steps to assure a more practitioner-focused approach to these essential elements. MSU offers a traditional approach to research methods according to the list of courses on the MSU-Ed.D. program website found here; (https://www.morgan.edu/school_of_education_and_urban_studies/departments/advanced_studies_leadership_and_policy/community_college_leadership/community_college_leadership_edd/course_sequence.html).

The MSU courses are EDHE 604-Introduction to Educational Research, EDSR 624-Qualitative Research Methods in Education, and EDSR 632-Introduction to Quantitative Research Methods. All three courses are listed in the most recent MSU catalog as "Education Statistics and Research." These courses are used across several programs at MSU including the Ph.D. in higher education. These courses are designed to instruct students to undertake independent research using these various methods – reinforcing the notion that this is a more traditional approach to education research methods. The proposed UMGC research methods sequence includes CCPA 815-Models of Inquiry, CCPA 825-Data and Analytics, and CCPA 830-Institutional Effectiveness and Student Success. While the DMCCPA courses are intended to familiarize the student with various research methods, the courses are not designed to result in conducting research; but rather, the

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UMGC courses are explicitly focused on the consumption and application of research in various settings – e.g., the use of predictive analytics, assessment and evaluation, data dashboards, etc. The key distinction between the programs is noted in MSU’s description of the expected **outcome** of their research methods sequence – i.e., to be able to **conduct** research, whereas the expected outcome for the UMGc program is to be an effective **consumer** of research, and these approaches are clearly and intentionally distinct from one another. Additionally, the DMCCPA program approved by MHEC in 2009 had research methods course requirements, and consequently, it is clear that MSU is again objecting to an issue that has previously been decided.

MSU OBJECTION # 4

The program structure of the proposed DMCCPA represents a replication of that of Morgan’s Ed.D. in Community College Leadership. The following table illustrates the match between some of the course offerings of the DMCCPA and Morgan’s Ed.D., Community College Leadership program. Excerpts of the course descriptions provided in the table are illustrative of the content duplication that this proposal represents. [NOTE: We have modified the table submitted by Morgan State to include a column for UMGc responses to each of the courses the Morgan State identified] In addition to the courses shown above [below, per note] the DMCCPA includes two research methods courses, which, not unexpectedly, closely mirror the content of the three research methods courses in Morgan’s Community College program. Exclusive of the dissertation courses, the DMCCPA proposal shows twenty-seven (27) credits of required coursework of which twenty-one (21) credits (shown in the table above) or seventy-seven (77%) percent are duplicative of the courses currently required in the Morgan Ed.D. Community College Leadership program. Morgan contends that this constitutes unreasonable duplication.

UMGC RESPONSE

Firstly, there is no unreasonable duplication of MSU’s program given that UMGc does not offer its program to Maryland residents and has not requested to do so in the future. In addition, this issue is founded in the objection to the use of contemporary problems in the field as a foundation for student learning, and the use of selective, unconnected fragments of detailed course descriptions as support for an unfounded assumption. As MSU itself states in its letter of objection, the current DMCCPA program is an *applied* professional doctoral degree rather than a *research*-oriented one (as substantiated by the research courses sequence discussed in objection # 3 above), and as such, has and will continue to use real-world scenario-based learning strategies throughout its courses. Thusly, this is not a new issue offered in our proposal, and this focus is entirely consistent with the UMGc mission and mandate to provide workforce-relevant programs of study.

In addition, the use of *selective* fragments of common language in detailed course descriptions is by no means evidence of “content duplication,” and there are in the current DMCCPA course descriptions, several instances of commonality of language fragments that could be matched to the current MSU course descriptions, as is inevitably the case in academic programs across the spectrum of higher education. One could compare sentence fragments from the MSU curriculum to any other program in higher education in the state, region, and country and find similarities, but that would not mean the programs are duplicative. We would entreat MHEC to give meaning to the entirety of the phrase “unreasonable duplication”, and by this we argue that similarities are not unreasonable, as programs can make differing points of emphasis concerning similar content.

Furthermore, similar course titles do not equate to duplicative courses. As noted below, the approach to the content (e.g., management or policy-based vs. traditional theoretical approaches) is a far better measure of

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the courses. Since MSU repeats their claims regarding the methodology courses, we would refer back to objection # 3 above, and note the error in stating that the DMCCPA has two methods courses, when it actually has *three* methods courses that are distinct from the MSU methods courses. The UMGC approach is clearly distinct from the MSU approach and thus does not constitute unreasonable duplication.

UMGC COURSE	MSU COURSE	UMGC RESPONSE
Community College History and Structure	The American Community College	As noted above in response to Item 1: The original program design assumed all entering students would have a similar understanding of community colleges. However, in practice students have come with very distinct understandings based on their experience as faculty or administrators. All agreed that for the management and policy curriculum to be effective, the DMCCPA students needed a common foundational understanding of the community college enterprise and the students they served. These courses are academically essential for any doctoral program in community colleges.
The Community College Student	Contemporary Issues in Community Colleges Student Development in Community College	We would offer the same response as above as this course is the second in the DMCCPA sequence of foundational courses described above.
Transformational Leadership and Change Management	Leadership and Administration in the Community College	First, this is an existing course that has been part of the UMGC curriculum since 2009. Second, a key difference is in the note provided by Morgan State that their course is limited to “urban community college situations.” UMGC does not have an urban focus, making the courses distinct.
Management and Strategic Planning	Community College Planning and Management	First, this is an existing course that has been part of the UMGC curriculum since 2009. Second, UMGC is a Doctor of Management and approaches this course from a management perspective as distinct from an education administration perspective. UMGC-DMCCPA is modeled as an executive development program with this course as the set-up for the series of management seminars that follow in the curriculum. The MSU program is a clearly traditional higher education doctorate both in structure and content.
Educational Policy and Advocacy	Politics of Education	First, this is an existing course that has been part of the UMGC curriculum since 2009. Second, the courses are distinct in that the UMGC course focuses on policy development (An examination of national, state, and local education policy formation, as well as an analysis of the educational policy process, including antecedents, framing of problems and solutions within policies, policy implementation and policy consequences in the context of the community college environment); whereas the MSU offers a more generic course on education politics. The MSU course catalog describes ASLP 601 - Politics of Education as: “This course will introduce students to the role of politics in the American education system. Students will examine the role of power in the education system. This power comes in the form of culture, the economy, race, gender, and globalization.” Policy development is a core and distinguishing feature of the DMCCPA.
Management Seminar: Community College Governance	Community College Trustees and Governing Boards	Although there is similarity in the topical area of the course, the UMGC approach to the course is as a management seminar that “examines governance in the effective management of a community college.” The MSU course is a traditional review of governance as a set of roles.
Management Seminar: Education Law and Applied Management	Legal Aspects of Education	This UMGC course has a management centered approach consistent with the doctor of management degree. The MSU course, ASLJ 601 is a broad, traditional course in in education law as described in the MSU

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		course catalog: "This course involves the analysis of legal issues related to education and includes an examination of major court decisions. It covers the legal structure of education, as well as topics related to religion, academic freedom, employment law, due process, free speech, and freedom of expression, search and seizure, desegregation, tort, liability and intellectual property, copyright, among others. The case method is used primarily with considerable reliance on the internet." The UMGC course targets legal issues in the context of institutional management and is also inclusive of additional applied management topic areas (e.g., crisis management, shared governance, evaluation of technology-based management systems, etc.) that go beyond the narrow course of legal issues in the MSU course.
Resource Development and Strategic Allocation	Community College Finance and Budgeting	The UMGC course has a more comprehensive approach since it is inclusive of resource development (e.g., fundraising, working with philanthropy, entrepreneurship, state and local funding, etc.). The budgeting part of the UMGC course is focused of strategic allocation of resources consistent with effecting policy change at a college. The Morgan State course is a traditional budget and finance course. These are very distinct approaches to the topic.

MSU OBJECTION # 5

Another claim made by UMGC for the uniqueness of the DMCCPA program is the fact that it is designed to accommodate working professionals who cannot attend class on a full-time basis. Again, this arrangement is not unique. The Morgan program is designed for a combination of synchronous and asynchronous learning with synchronous courses being taught of weekends only. Students take three (3) five-week courses over a 15-week semester. This structure has been employed successfully since the inception of the program and has been shown to meet the needs of working professionals. The DMCCPA is not unique in this regard.

UMGC RESPONSE

The DMCCPA is fully online and has always been so since its inception, and although MSU offers an online option, it is not a defining feature of their program. MSU notes in detailing the unique elements of their program (in the final part of their objection letter), that maintaining a face-to-face option and a required internship are key features. These are elements distinct from the UMGC online approach. The *manner* in which the two programs are designed to serve working adults has no bearing on the fundamental issue of curriculum revision, particularly given the fact that UMGC has always tailored its programs to fit the lifestyle of adult learners, as indicated in its authorizing legislation. This objection is not relevant to the proposal currently before MHEC, but rather would seem to be founded, once again, in the attempt to revive and relitigate issues long settled.

MSU OBJECTION # 6

UMGC claims that the DMCCPA will not recruit from within the State of Maryland and that the program is geared to serve a national audience. The proposal states that because of this, the proposal is "minimizing any potential competition with Morgan State's program." The Morgan Ed.D. has never restricted its enrollment to students from within the State of Maryland. The program is an online program and serves working adults within the state, the region and the nation, so the fact that UMGC will not admit students who are resident in Maryland is of no consequence. The program will be in direct competition with the Morgan Community College Leadership program. Following are the 2015-2020 data for the place of residence for students admitted to the Morgan Program

*Fall 2015 – Fall 2020 CCLP New Admits by In-State/Out-of-State
Maryland Residents – 97
Out-of-State – 54
Unknown – 5*

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UMGC RESPONSE

We are frankly puzzled by the MSU comments in Objection # 6. MHEC approved the DMCCPA in 2009, so long as it was only offered outside of the state of Maryland. UMGC's substantial modification proposal does not, in any way, propose to offer the program within the state of Maryland. Whereas MSU's reported data shows that over 62-percent of their "new admits" over the last five years are Maryland residents, they claim that the restriction on UMGC admission of Maryland residents is of "no consequence." If the restriction is of no consequence to MSU, then UMGC would gladly see the restriction lifted. Regardless, the resident status of students is not at issue in the curriculum proposal currently before MHEC. In this light, it would seem that this objection is again, not founded in issues offered in the current UMGC proposal, but rather are an attempt to revive and relitigate issues long settled.

In addition to the aforementioned MSU objections, MSU offered the following factors in support of their claim that the DMCCPA is unreasonably duplicative:

MSU ISSUE # 1 - MARKET DEMAND.

The UMGC proposal cites the number of Unique Job Postings for Education Administrators, Postsecondary 2018-2020 as 320 for Maryland and 11,084 nationally. The proposal cites those numbers in support of its claim that the need to prepare such large numbers of professionals for these roles justifies implementation of the DMCCPA, in addition to the existing program at Morgan. In fact, those numbers are for the entire Post-secondary sector, inclusive of 4-year institutions. Given that there are 1,050 community colleges nation-wide (AAAC, Fast Facts, 2020), the number cited is not an accurate representation of the market for community college leaders. The actual market in the community college sector is considerably less than those numbers suggest. In light of the number of community colleges nationwide, Morgan's market share is very likely to be negatively impacted by the implementation of the DMCCPA. Table 6 "Community College Education Program Completers Nationally, 2008-2028", of the UMGC proposal shows the number of program completers for 2008 to 2018 and the projections for 2023 and 2028. The following table shows the contribution of the Morgan program to those numbers.

Community College Program Completers, 2008- 2028: Nationally and for Morgan State University

	2008	2013	2018	2023 Projected	2028 Projected
Nationally	102	138	403	538	673
Morgan	10	6	16	77	298

UMGC RESPONSE

There are multiple claims in this objection from MSU that are all problematic.

Firstly, it is not within the scope of an unreasonable duplication analysis to examine the market demand for these programs nationwide. The territorial scope of the unreasonable duplication determination is within the state of Maryland. Given that UMGC does not offer its program within Maryland, MSU has and will continue to have an exclusive right to enroll all Maryland students in their program and meet the demand in Maryland.

Second, the objection refers to "implementation of the DMCCPA, in addition to the existing program at Morgan." The DMCCPA was implemented in 2009, and both programs have coexisted since that time with no apparent effect on MSU's ability to recruit graduate students. Again, this is not an objection relevant to

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the issue of curriculum revision, and the question as to the existence of the DMCCPA was settled over a decade ago.

Third, MSU makes a claim concerning the market demand data provided by UMGC (we would note, ***without the support of refuting data***). We stand by our initial data for several reasons. Community colleges are a substantial portion of the post-secondary sector, and based upon an analysis of the most recent data maintained by the American Association of Community Colleges, over the period from 2014-2020, community colleges had an average of about 126 new CEO starts in each year (or about 12 percent of the nation's community college CEO jobs). Analyzing the data during the same period, on average, there were 125 departures or retirements each year. The leadership positions at community colleges are by no means limited to a single CEO position, and colleges are experiencing similar turnover at all executive level positions.

Below we substantiate our extrapolation of the CEO data to the executive level with a different data set from EMSI. DMCCPA graduates have also been placed in positions in the four-year, independent, and for-profit higher education sectors, and there are an abundance of job markets for DMCCPA graduates in the field of policy development in government sectors, professional associations, and philanthropy. Although there is a community college focus, the skill sets developed in the DMCCPA has broad applicability beyond the community college sector, to other sectors of education with a focus on other adult-serving postsecondary institutions. We also revisited and updated our data on this question, and although the national databases do not contain detailed data on hiring within community colleges, the SOC code SOC 11-9033 corresponds to Education Administrators (Postsecondary), of which community college administrators are a subset.

From November 2019 to October 2020, there were 40,127 unique job postings for this SOC code, an of those, 17% required a doctorate. As a subset of all postings, "junior colleges" included 2,280 unique positions during this time period, and job titles within this category include Director, Dean, and Vice President (Source: Emsi-economicmodeling.com, 2020). Overall employment in this category has increased from 142,875 in 2014 to 152,907 in 2019 (7% growth). In addition to this growth, 51,337 employees (34%) in this category are aged 55 or older and are expected to retire soon. These trends taken together indicate that there should be significant, ongoing openings for higher education administrators including at community colleges (Source: Emsi-economicmodeling.com, 2020).

Lastly, MSU has incorrectly interpreted the data in UMGC Table 6 by adding our "All Completions" row with "Online Completions", when the online numbers are clearly a subset, not an add-on as MSU is claiming. Additionally, MSU appears to be claiming that in the next eight years they will increase their number of graduates by 1,092-percent. For a program that, as MSU notes, graduated 180 students over the past *twenty years* to now claim it will graduate 298 students in *a single year*, is a claim that surely bears scrutiny.

Since UMGC's initial substantial modification proposal was submitted, data on 2019 completers for Community College Education (CIP 13.0407) have been released (see table below). We have also added data on completers for all years starting with 2008. The average change year-over-year from 2008-2019 was 15.5 per year, and this was used to project future graduates of 286 in 2024 and 363 in 2029. Over the years 2008-2019, MSU has had an average market share of 12%. (Source: Emsi-economicmodeling.com, 2020). Assuming this is consistent, we project 34 graduates in 2024 and 44 graduates in 2029 for MSU.

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We would note that UMGC enrollments are not included in this table since the UMGC program is under a different CIP code, for the reason that the foundation of the UMGC program is in management; therefore, UMGC data is presented in the subsequent table.

Completers in Community College Education Doctoral Programs (Source: Emsi-economicmodeling.com, 2020).

	2008	2009	2010	2011	2012	2013	2014		2015	2016	2017	2018	2019	2024	2029
Total	37	43	53	32	40	33	42		77	105	200	206	208	286	363
Morgan State	17	2	6	5	2	3	3		9	12	15	0	22	34	44
Market Share	46%	5%	11%	16%	5%	9%	7%		12%	11%	8%	0%	11%	12%	12%

UMGC only enrolls students into the DMCCPA program from outside of Maryland and only into an online program with limited residencies. We do not anticipate that our offering will have a negative impact on MSU enrollments with their offering of a face-to-face option and focus in Maryland. According to NC-SARA, MSU in 2018-2019 had 52 online students from outside the state of Maryland for the *entire university* (Source <https://nc-sara.org/enrollment-reports>). MSU reports that from 2015-2020, 54 students enrolled in the community college program from outside of Maryland (an average of 9 per year); it is not clear how many of these students were 100% online and how many were taking advantage of the face-to-face program. There is no data to show that the existing version of the UMGC program has had a detrimental impact on MSU enrollments, and other than the outlier year of 2018, MSU has seen steady growth in their program.

Completers in UMGC-DMCCPA (Source UMGC).

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
UMGC-DMCCPA	-	-	-	7	26	17	6	15	10	8	4	2

From 2009-2015, the number of completers in the Morgan State University program ranged from 2-6 graduates per year. While this corresponds with the start of the UMGC-DMCCPA in 2009, the number of graduates/completers is a lagging metric. The first graduates from UMGC did not occur until 2011, thus the relatively low number of completions per year from MSU appear to be related to factors other than UMGC's program. The steady growth in MSU graduates from 2016 to the present also do not correlate with UMGC declines. For 2015 and 2016 combined, MSU graduated 21 Ed.D. students, while UMGC graduated 25 DMCCPA students. The declines since 2016 at UMGC are attributed to the need to update the program curriculum, which is the basis for this substantive change request, and regardless, the data clearly supports UMGC's position that there is more than sufficient national demand for students and graduates of *both* programs.

Using the 2,280 job postings for "junior college" administrators in the last year and the 17% number of jobs requiring a doctorate, an estimate is that there were 388 openings in the last 12 months nationally for community college positions that require a doctorate. Assuming a 7% growth rate as seen over the last five years, in 2024 the number of openings requiring a doctorate should be 410 and 438 in 2029. In comparison, our forecast is 286 new graduates in 2024 and 363 graduates in 2029 nationwide. Note that this forecast includes an increase in MSU graduates from 22 in 2019 to 34 in 2024 and 44 in 2029. Despite this growth at

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MSU and other universities across the country, we expect a shortage of doctorally qualified community college administrators in future years. The proposed changes to the existing UMGC program have the opportunity to alleviate some of this shortage, and given its foundation as a Doctor of Management, UMGC graduates are not limited to careers in education; our alumni are employed in positions in both government and corporate settings. Based on these projections, the UMGC-DMCCPA program will *not* limit the ongoing success of the MSU program, but rather, will help to address the anticipated gap of qualified community college administrators.

MSU ISSUE # 2 - COMPARISON OF TUITION COSTS, ADMISSION REQ's & GRADUATION REQ's.

With respect to this issue, MSU provided no narrative but only offered the following chart.

	<i>Tuition</i>	<i>Admission Requirements</i>	<i>Graduation Requirements</i>
<i>Morgan's CCLP</i>	<i>\$894/credit</i>	<i>Master's Degree and One Year's Community College Experience</i>	<i>60 credits inclusive of dissertation</i>
<i>DMCCPA</i>	<i>\$1087/credit</i>	<i>(not stated)</i>	<i>54 credits inclusive of dissertation</i>

UMGC RESPONSE

It is indeed true that there are differences in the tuition and credit hour requirements for the two programs, and these differences are mere statements of fact. However, MSU offers no explanation as to how these facts are related to, let alone a foundation for, an objection to a change in curriculum.

MSU ISSUE # 3 - DEMONSTRABLE HARM TO MORGAN STATE UNIVERSITY.

The foregoing facts make it clear that in its mission, its content and its potential applicant pool, the proposed substantial modification to the UMGC Doctor of Management in Community College Policy and Administration constitutes unreasonable duplication of Morgan State University's Ed.D. in Community College Leadership program. Further, Morgan's Ed.D. in Community College Leadership program is the University's flagship online doctoral program and contributes enormously to Morgan's annual output of doctoral graduates. Approval of this modification to UMGC DMCCPA places it in direct competition with Morgan's Community College Leadership doctoral program.

UMGC RESPONSE

Respectfully, we disagree with this conclusion. There is no substantive claim made in this objection, but rather it is merely a restatement of claims made above. There is no direct competition between the two programs within Maryland, which is the territorial scope of an unreasonable duplication analysis and determination. UMGC does not offer its program to Maryland residents and has not requested to do so in the future as part of its program proposal. We have noted previously that the UMGC proposal is simply an update to the curriculum that is the result of good faith efforts to uphold both accreditation standards and good practices in academic quality and integrity, and nothing in the UMGC proposal changes the scope or mission of the DMCCPA program.

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The UMGC-DMCCPA respects the quality and integrity of our colleagues and the community college leadership program at Morgan State University. We are equally proud of our own program. The DMCCPA program director at UMGC served for twenty years as the head of the second largest community college system in the country; he also led the national movement at AACCC for the 21st Century Implementation team, he chaired the Policy Leadership Trust for Student Success at Jobs for the Future, and also served on the board of trustees for the Council on Adult and Experiential Learning. Our faculty includes two former state directors of community college from Texas and New Jersey, three former or current college presidents, a former head of the state workforce board in Missouri, and a research director from the leading organization in community college innovation.

Although there exists quality leadership and faculty at *both* programs, there are distinct differences between the programs. UMGC is an exclusively online program – MSU maintains a face-to-face option. UMGC utilizes regular residencies to provide experiential learning opportunities – MSU requires a student internship. There are nine residencies of weekend-length throughout the term of the DMCCPA that are scheduled both at UMGC’s campus and at locations outside the state of Maryland, where students apply management and policy theory to case-based, experiential learning opportunities. Residencies are far more accessible to working professionals than a traditional internship. MSU’s internship requires, as described in the MSU course catalog, “the intern should be engaged in a specific focus such as the analysis of problems and/or organizational issue or special project within the selected college.” UMGC’s curriculum is informed by the College Excellence program at the Aspen Institute, the League for Innovation in the Community College, Achieving the Dream, and the Policy Leadership Trust at Jobs for the Future, in addition to the American Association of Community Colleges leadership competencies (the last of which are the foundation of the MSU program). UMGC offers a Doctor of Management degree – MSU offers a Doctor of Education degree. The two programs are distinct and non-duplicative, and as documented in our proposal, there is sufficient national need for *both* programs to exist and thrive, as they have for the past decade.

In sum, UMGC has submitted a curriculum revision to the DMCCPA in response to and in keeping with our accreditation obligations and traditional practice, to ensure the academic quality and integrity of our degree program. Nothing in the DMCCPA proposal changes the nature, scope, or mission of the program which remains true since its inception in 2009. As such, and with respect, we request that in consideration of the arguments made above, that MHEC set aside the MSU Letter of Objection and approve the UMGC proposal to update the DMCCPA curriculum in line with well-established standards for continuous academic improvement.